

## § 52.1

### Subpart D—Violations

52.111 Violations.

52.113 Criminal penalties.

APPENDIX A TO PART 52—DESIGN CERTIFICATION RULE FOR THE U.S. ADVANCED BOILING WATER REACTOR

APPENDIX B TO PART 52—DESIGN CERTIFICATION RULE FOR THE SYSTEM 80+ DESIGN

APPENDIX C TO PART 52—DESIGN CERTIFICATION RULE FOR THE AP600 DESIGN

APPENDIX D TO PART 52—DESIGN CERTIFICATION RULE FOR THE AP1000 DESIGN

APPENDICES E–L TO PART 52 [RESERVED]

APPENDIX M TO PART 52—STANDARDIZATION OF DESIGN; MANUFACTURE OF NUCLEAR POWER REACTORS; CONSTRUCTION AND OPERATION OF NUCLEAR POWER REACTORS MANUFACTURED PURSUANT TO COMMISSION LICENSE

APPENDIX N TO PART 52—STANDARDIZATION OF NUCLEAR POWER PLANT DESIGNS: LICENSES TO CONSTRUCT AND OPERATE NUCLEAR POWER REACTORS OF DUPLICATE DESIGN AT MULTIPLE SITES

APPENDIX O TO PART 52—STANDARDIZATION OF DESIGN: STAFF REVIEW OF STANDARD DESIGNS

APPENDIX P TO PART 52 [RESERVED]

APPENDIX Q TO PART 52—PRE-APPLICATION EARLY REVIEW OF SITE SUITABILITY ISSUES

AUTHORITY: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2133, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

SOURCE: 54 FR 15386, Apr. 18, 1989, unless otherwise noted.

### GENERAL PROVISIONS

#### § 52.1 Scope.

This part governs the issuance of early site permits, standard design certifications, and combined licenses for nuclear power facilities licensed under Section 103 or 104b of the Atomic Energy Act of 1954, as amended (68 Stat. 919), and Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242). This part also gives notice to all persons who knowingly provide to any holder of or applicant for an early site permit, standard design certification, or combined license, or to a contractor, subcontractor, or consultant of any of them, components, equipment, materials, or other goods or services, that relate to the activities of a holder of or applicant for an early site permit,

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standard design certification, or combined license, subject to this part, that they may be individually subject to NRC enforcement action for violation of § 52.9.

[63 FR 1897, Jan. 13, 1998]

#### § 52.3 Definitions.

As used in this part,

(a) *Combined license* means a combined construction permit and operating license with conditions for a nuclear power facility issued pursuant to subpart C of this part.

(b) *Early site permit* means a Commission approval, issued pursuant to subpart A of this part, for a site or sites for one or more nuclear power facilities.

(c) *Standard design* means a design which is sufficiently detailed and complete to support certification in accordance with subpart B of this part, and which is usable for a multiple number of units or at a multiple number of sites without reopening or repeating the review.

(d) *Standard design certification, design certification, or certification* means a Commission approval, issued pursuant to subpart B of this part, of a standard design for a nuclear power facility. A design so approved may be referred to as a *certified standard design*.

(e) All other terms in this part have the meaning set out in 10 CFR 50.2, or section 11 of the Atomic Energy Act, as applicable.

#### § 52.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

#### § 52.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The NRC

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may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved the information collection requirements contained in this part under control number 3150-0151.

(b) The approved information collection requirements contained in this part appear in §§ 52.15, 52.17, 52.29, 52.35, 52.45, 52.47, 52.51, 52.57, 52.63, 52.75, 52.77, 52.78, 52.79, 52.89, 52.91, 52.99, and appendices A, B, C, and D to this part.

[62 FR 52188, Oct. 6, 1997, as amended at 64 FR 72015, Dec. 23, 1999; 67 FR 67100, Nov. 4, 2002; 71 FR 4478, Jan. 27, 2006]

### § 52.9 Deliberate misconduct.

(a) Any holder of, or applicant for, an early site permit, standard design certification, or combined license, including its employees, contractors, subcontractors, or consultants and their employees, who knowingly provides to any holder of, or applicant for, an early site permit, standard design certification, or combined license, or to a contractor, subcontractor or consultant of any of them, equipment, materials, or other goods or services that relate to the activities of a holder of, or applicant for, an early site permit, standard design certification or combined license in this part, may not:

(1) Engage in deliberate misconduct that causes or would have caused, if not detected, a holder of, or applicant for, an early site permit, standard design certification, or combined license, to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any permit, certification or license issued by the Commission; or

(2) Deliberately submit to the NRC, a holder of, or applicant for, an early site permit, standard design certification, or combined license, or a contractor, subcontractor, or consultant of any of them, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

(b) A person who violates paragraph (a)(1) or (a)(2) of this section may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B.

(c) For the purposes of paragraph (a)(1) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows:

(1) Would cause a holder of, or applicant for, an early site permit, standard design certification, or combined license, to be in violation of any rule, regulation, or order; or any term, condition, or limitation, of any license issued by the Commission; or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a holder of, or applicant for, an early site permit, certified design or combined license, or a contractor or subcontractor of any of them.

[63 FR 1897, Jan. 13, 1998]

## Subpart A—Early Site Permits

### § 52.11 Scope of subpart.

This subpart sets out the requirements and procedures applicable to Commission issuance of early site permits for approval of a site or sites for one or more nuclear power facilities separate from the filing of an application for a construction permit or combined license for such a facility.

### § 52.13 Relationship to subpart F of 10 CFR part 2 and appendix Q of this part.

The procedures of this subpart do not replace those set out in subpart F of 10 CFR part 2 or appendix Q of this part. Subpart F applies only when early review of site suitability issues is sought in connection with an application for a permit to construct certain power facilities. Appendix Q applies only when NRC staff review of one or more site suitability issues is sought separately from and prior to the submittal of a construction permit. A Staff Site Report issued under appendix Q in no way affects the authority of the Commission or the presiding officer in any proceeding under subpart F or G of 10 CFR part 2. Subpart A applies when any person who may apply for a construction permit under 10 CFR part 50 or for a combined license under 10 CFR part 52 seeks an early site permit from the